



previously been given plenty of speaking time over the course of two years. Ms. Esty thought it was ill advised to not recognize the individuals requesting to be recognized.

Consideration of a Coin-Controlled License & Sunday Coin-Controlled License for Pro-Wash Laundry Center, 177 Waverly Street

Mr. Leni Salgan was present to discuss the request. He explained that he was hoping to put in three amusement machines for children's amusement while parents were doing laundry. Mr. Giombetti confirmed with him that the facility was monitored, and stressed the importance that the games not become the primary focus of the business.

MOVED: To approve the Coin-Controlled License & Sunday Coin-Controlled License.

Motion: Ms. Esty

Second: Mr. Sisitsky

VOTE: 4 – 1 (Mr. Giombetti)

Consideration of a Change of Manager & Assistant Manager request for Legal Sea Foods

Mr. Joseph Goldsmith and Mr. Joseph Lipkavich, Jr. were present to request that their names be placed on the liquor license. Ms. Murphy asked for how long they had been managing the property, and they responded that they had been there for 6 months as manager, and 4 months as the assistant manager. Mr. Sisitsky pointed out that that was a serious violation of the alcohol policy. Mr. Goldsmith explained that the alcohol seminar had made him aware of this, and they had put it in process. Mr. Sisitsky thought that it should be referred to the enforcement officer. Mr. Giombetti thought that perhaps more outreach should be made. Mr. King agreed that the Town's alcohol policy was very unique throughout the state, but that for national chains it was their responsibility to know the rules. The Town had worked very hard to put the policy out there. Ms. Esty suggested assessing fines to call it to restaurant's attention. Mr. Sisitsky noted that Mr. Berkowitz, the president of the company had come before the Board to acknowledge that they were fully aware of the policy, and felt that there was no excuse for not knowing the policy. Mr. Stasik had read over the alcohol policy, and one of the fundamental goals of the policy was to ensure the manager and assistant manager were knowledgeable in the serving of alcohol.

MOVED: To approve the application for the manager and assistant manager, and to pursue the apparent violation of the policy through the Licensing Officer.

Motion: Mr. Sisitsky

Second: Mr. Stasik

VOTE: 5 – 0

Consideration of a Transfer for an All Alcohol Restaurant License for Bennigan's

Attorney Frank Hubbard represented the proposed licensee. He stated up front that the applicant had a similar situation to the previous applicant with regard to the managers listed on the license. However, he pointed out that the application to transfer the license had been withdrawn to conduct the change of manager. This was further complicated by the fact that the company that had owned Bennigan's was in bankruptcy, so many changes were being made all at once. No physical changes would be made or changes to the hours of operation. Mr. Sisitsky observed that the proposed assistant manager was



### Public Participation Policy Hearing

Ms. Esty noted she had had some phone calls asking whether or not the policy was being tightened up due to one particular group of people or subject, and would be restricting a discourse of ideas. Mr. Stasik agreed that he had received similar comments, but that the sense he had was that the policy was being restructured to allow for the flow of many different ideas. He was concerned about the tone being used in the presentations, and the fact that it discouraged others from coming to participate in the matter. Ms. Esty commented that it had been more than one year that the subject had been made, but that the matter had never been made an agenda item. She felt that many of the problems would have been solved by making it into an agenda item, and applauded the Chair for taking up the issue in more depth. Mr. Giombetti thought that the new policy addressed that well, by providing for the taking of action to subjects being discussed.

Mr. Christopher Ross had reviewed the policy posted online and commented that a concern was a lack of civility. He felt that such provisions needed to be outlined specifically to delineate the rules. He felt a critical part of the policy was to clarify what issues were being discussed to allow for a discourse of many ideas. He stressed that the Board was not obligated to hear all people who had signed up, and that it was not an abrogation of free speech to disallow people to speak who had already spoken before. He applauded the Board in its efforts.

Mr. Jim Rizoli stated that he had no problem with the policy's limitation of one speaker per topic. Mr. Rizoli explained that they had come in repeatedly because they had not seen any action taken on their concerns.

Ms. Christine Taylor concurred with Mr. Stasik's point that the new policy would encourage increased participation. She had acknowledged that due to the tone in past discussions, some people had professed to her an aversion to participating. She thanked the Board for addressing the matter in such a comprehensive way.

Mr. Jeffrey Buck was opposed to the policy, and felt that the presentation of the policy was that the citizens had abused public participation. He felt, however, that the Board had abused public participation. He felt that there could be many views of topics, so limiting the speaker to one per topic might provide a biased viewpoint. He suggested written lists of questions and concerns be submitted and follow up posted online.

Mr. Ned Price felt that some of the reasoning behind this policy was due to the alleged intimidation factors from some individuals. Mr. Price suggested moderation allowing everyone an opportunity to speak. Ms. Murphy hoped that subjects within the Board's purview would be brought to its attention.

Ms. Kathy Welte supported the new policy. She explained she had lived and worked in cities her whole life, and became aware of the Town form of government, and valued the public participation element of Town government. She wanted to encourage more ideas, and wanted to see public participation being used in a positive way.

Mr. Harold Wolfe asked how the Board intended to enforce the policy, and what penalty would be imposed upon the Board for not enforcing its rules. Ms. Murphy stated she would do her best to enforce the policy as the Chair.

Mr. Joe Rizoli disagreed with the policy because proponents of his cause should be given time on the agenda like other committees.

Mr. Ted Welte observed that the Town of Framingham had changed over the years, and the role of the Board had expanded as well. He felt that the Board needed to focus its time in meetings on managing its many duties. He noted that the Board had every right to eliminate public participation. The Board could also take public participation without broadcasting it to see if that affected the number of people showing up.

Ms. Murphy read an e-mail submission of suggestions from Mr. Brian Sullivan discussing the rules on time limits for speakers.

Ms. Kathy McCarthy opined that she had come to the Board during public participation on many different matters, and felt that response was not always given. She felt that she had many times gone through the administrative process and then come to the Board as the last resort. She felt it was important for people to come before the Board after they had gone through the system, and needed to appeal the matter further.

Mr. Jeffrey Buck did not feel that “whispers around Town” were appropriate to motivate a change in policy.

Ms. Murphy read an e-mail comment from Mr. George Dixon supporting the policy amendments.

Mr. Sisitsky made the motion to adopt the proposed policy amendments, and was seconded by Mr. Stasik for discussion. Mr. Giombetti felt that the intent of public participation encompassed an ability for a complaint or a concern of a citizen to be brought to the Board. He also felt it was important to focus on the business of the Town, as Mr. Welte had discussed. Mr. Giombetti agreed with the suggestion to require a majority and not a unanimous vote of the Board to extend time. Mr. Stasik commented that finding the line between “open mike night” and genuine information was difficult. He felt that to some extent, the judgment of the Chair needed to be trusted to a degree. Ms. Esty commented that the business of the Board was broader than only license hearings. She felt that making concerns into agenda items and resolving them in future was important. Ms. Murphy felt that the policy addressed most of the concerns brought tonight. Mr. Stasik agreed with the suggestions that the discussion should observe “proper decorum,” and specific language had not been made because the Chair was going to be given discretion to determine when proper decorum was not being observed. Mr. Stasik also addressed the idea that there were multiple points of view for various topics, which would also be left to the discretion of the Chair. Mr. Giombetti suggested

amending the motion to allow for a majority vote of the Board to allow speakers more time rather than a unanimous vote of Board. Mr. Sisitsky and Mr. Stasik agreed.

MOVED: To adopt the policy as amended.

Motion: Mr. Sisitsky

Second: Mr. Stasik

VOTE: 5 – 0

The Board took a recess at 8:52 PM and reconvened at 9:00 PM.

#### Selectmen Goals

Mr. Sisitsky suggested summarizing the common goals. Mr. Stasik commented that the central business district and downtown, including public transportation, had been listed by all Board members. He specifically pointed out the Route 126/135 intersection. Ms. Esty suggested moving some of the subsets of the downtown district into immediate, intermediate, and long-term categories. Mr. Stasik saw transportation, the Arcade, and 126/135 as under the overall downtown goal. Mr. Sisitsky suggested listing transportation, redevelopment, and infrastructure as specific subsets, and then arranging the more specific goals under the appropriate heading. Ms. Esty suggested safety as a sub-goal, and Mr. Sisitsky suggested placing that under the infrastructure category. Mr. Giombetti wondered how to formulate specific actions out of the general topics listed.

Mr. Stasik asked about the process of gathering information and the process of following up on the matter further. Ms. Esty agreed that further action and follow up from conferences and summits needed to occur.

Mr. Sisitsky opined that the Master Plan (MP) was under the Planning Board's (PB) purview, the Board had voted to support funding for the MP, and that the Housing Policy Subcommittee was working on the housing element of the plan, and that the Board did not need to take much further action on that issue.

Mr. Giombetti suggested picking five general topics and assigning one to each member to follow up and pursue specifically. Ms. Murphy agreed with some issues, but felt that some overarching issues might want to be addressed by the entire Board.

Mr. Sisitsky suggested forming a Goals Subcommittee including the Chair and Mr. Giombetti to distill the ideas and formulate them more specifically. Ms. Esty asked that a letter be sent to the MBTA and the Governor with regard to the affects of the commuter rail coming through downtown, and Mr. King noted that a letter had previously been sent. Mr. Sisitsky recalled that some money had been secured for a downtown study and asked to confirm how much was left. Both Mr. Giombetti and Ms. Murphy agreed to be the Goals Subcommittee members.

#### Town Manager's Report

*Kendall Building Clock*

Mr. King had looked into the Kendall Building clock, and he informed the Board that repair had been included as part of the mitigation package of a mixed use building downtown.

#### *Amsden Building Fire*

Mr. King commended the Fire Department for its quick response to the fire downtown. Ms. Murphy congratulated the Fire Department.

#### *Budget*

Mr. King noted that the Senate budget had been released, and that it was almost identical to the House budget save \$55M to be distributed in Chapter 70 funds.

#### *Schedule*

Mr. King noted that the Board was scheduled to meet on Rosh Hashanah if it followed the schedule it had recently approved. He suggested switching the meetings of September 27, 2005 and August 4, 2005. The Board concurred.

#### *Portuguese Club*

Mr. King updated the Board on a meeting held that morning, noting that progress was being made between the various groups.

Ms. Esty thought the new weekly report was informative, but suggested separating executive materials from other items.

Mr. King confirmed for Mr. Sisitsky that no further action had been taking with the regard to the Wayside matter. Mr. Sisitsky commented that the water bill error had been handled well by DPW. Ms. Esty commented that the MUNIS system had had issues in the past and wondered if it was still working.

Mr. Giombetti asked about the length of time some matters had been on the pending issues list, specifically benchmarking. Mr. King gave an update on the status of benchmarking.

Ms. Esty asked about the PUD issue, noting that the permit had been issued without the public hearing. Ms. Murphy clarified that she had been conversing with Mr. Zajac from the DEP, and clarified that the public hearing had been requested because the numbers did not match. When she spoke with him he explained that the number would be reconciled. She explained that she had not received anything in writing from Mr. Zajac although she had requested it and made two follow up calls. She wanted to discuss the issue with the Manager because the permit was being issued in gallons per day and bedrooms. She wanted to know how that would equate to the numbers as issued by the PB. Ms. Esty expressed concern that nothing had been submitted in writing, and wanted to know in writing precisely what was approved in units. Mr. Sisitsky thought that the state did not respond appropriately by not allowing a public hearing, and thought the Board should insist on getting something in writing.

## Selectmen's Reports

### *Mr. Giombetti*

Mr. Giombetti briefly updated the Board on the progress of the TIF committee, and would update them when more progress was made. He also expressed concern over the actions being taken to begin the transition of the new provisions in the sign by-law. Mr. Stasik said he would inform the Board on progress once a clear direction had been decided upon to increase enforcement equitably, review the by-law for potential changes, and going to Town Meeting with any changes, and perhaps extending the deadline. Mr. Sisitsky felt it would be unfair to those who had conformed to extend the deadline for those who had not taken the responsibility. Mr. King explained that the sign owners were to be notified soon, and that the Building Commissioner was moving the process along. Mr. Sisitsky suggested communicating with Mr. Welte at the Chamber of Commerce about publicizing the matter further. Mr. Giombetti thought that the action should be quick and decisive.

### *Mr. Sisitsky*

Mr. Sisitsky commended some of the groups that helped provide various services to the Town that government could not be doing. He noted specifically the Violence Preventions Awards Program and the annual meeting of the Jewish Family Services where they had honored Ms. Ellen Bloch. On May 20, 2005 the Danforth would be celebrating its 30<sup>th</sup> anniversary as well.

### *Mr. Stasik*

Mr. Stasik reiterated his concern over the Route 126/Route 135 intersection. The mayor of Worcester had specifically listed the intersection as a problem to be addressed when increasing the commuter rail service. He also mentioned that Kathy Lewis and Sue Bernstein had been willing to come during a summer meeting to discuss the Land Use Reform Act, and bike trail plans. Mr. Giombetti asked about the timing of the lights on the Route 126/Route 135, and Mr. King explained it was an MBTA project. Once the intersection was accepted, the Town could fix it.

### *Ms. Esty*

Ms. Esty passed information that Verizon was offering and asked if it was different than RCN or Comcast service. Mr. King believed it was computer based, not cable based, but that he would look into it.

Ms. Esty read a statement about sex offenders, and moved that the Board ask the legislators to create a bill to place ankle bracelets on sex offenders who failed to register. Mr. Stasik thought that it would be best to have a discussion with the legislators first. Ms. Murphy suggested sending them a letter of inquiry, and Mr. Stasik agreed to write a letter asking the state legislators to come discuss the matter with the Board. Ms. Esty repeated her motion to write a letter of support to create or amend sex offender legislation, and Mr. Sisitsky commented that the motion as read was different from writing a letter inviting state legislators to discuss the matter further. He felt that issues like this should not come up under Selectmen's reports. Mr. Sisitsky asked that they be submitted in writing and the Board given background information. He also felt that the



Board should consider its policy on Selectmen's reports and what should be considered under them, particularly because it did not give enough importance to some of the issues being discussed.

Ms. Esty mentioned that the Historical Society's Tour was a success.

*Ms. Murphy*

Ms. Murphy had attended a conference at the Arc of Innovation on storm water management.

MOVED: To adjourn at 10:15 PM.

Motion: Mr. Sisitsky

Second: Mr. Stasik

VOTE: 5 – 0

Respectfully submitted,

Charles J. Sisitsky, Clerk